IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1917 of 1998

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE MD SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNION OF INDIA & 2 - Petitioner(s)
Versus
WESTERN RAILWAY EMPLOYEES' UNION & 2 - Respondent(s)

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Appearance :
MR RAMNANDAN SINGH for Petitioner(s) : 1 - 3.
RULE SERVED for Respondent(s) : 1 - 2.
MR MS TRIVEDI for Respondent(s) : 3,

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE MD SHAH

Date : 28/06/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

Heard Mr.Ramnandan Singh, learned counsel for the petitioners.

By way of this petition, the petitioners have challenged the impugned judgment and order dated 11.9.1997 passed by the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad (for short “Tribunal”) in O.A. No.376 of 1990 whereby the learned Tribunal directed the present petitioners to extend all medical facilities to the original applicants, which have been extended to their regular temporary employees holding similar posts subject to deduction of periodical contribution. They were further directed to extend the benefits of the Central Government Insurance Scheme as in the case of regular employees after deduction of usual premium from their pay and subject to the conditions of the scheme itself.

It was vehemently submitted by Mr.Ramnandan Singh for the petitioners that the learned Tribunal committed grave error in extending the benefits of medical facilities as well as the benefits of the Central Government Insurance Scheme to the original applicants, who were working on a particular project, therefore, they cannot be equated with those temporary servants working with the Railways. This very contention was raised before the learned Tribunal on behalf of the present petitioners, which

was rightly rejected by the learned Tribunal. In fact, now it is a Scheme of the Government to extend such benefits to those persons who are working on the particular project as well.

Under the circumstances, when the learned Tribunal passed just order in favour of the original applicants, then certainly this court in its supervisory jurisdiction under Article 227 of the Constitution of India would not like to interfere with such orders as in our considered opinion neither the error of law or jurisdictional error is committed by the learned Tribunal while passing the impugned order.

In view of the above discussion, this petition fails and is hereby dismissed. Rule discharged. Interim relief granted earlier stands vacated. No order as to costs.

(B.J.SHETHNA, J.)

(M.D.SHAH, J.)

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